

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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FERRING PHARMACEUTICALS INC., )  
FERRING B.V., and )  
FERRING INTERNATIONAL CENTER S.A., )  
)  
)

Plaintiffs, )  
)

-v-

SERENITY PHARMACEUTICALS, LLC, and )  
REPRISE BIOPHARMACEUTICS, LLC, )  
)

Defendants. )  
)  
)

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SERENITY PHARMACEUTICALS, LLC, )  
REPRISE BIOPHARMACEUTICS, LLC, and )  
AVADEL SPECIALTY )  
PHARMACEUTICALS, LLC, )  
)

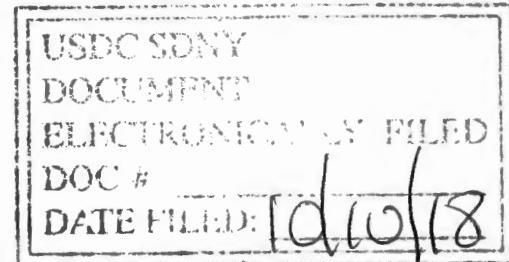
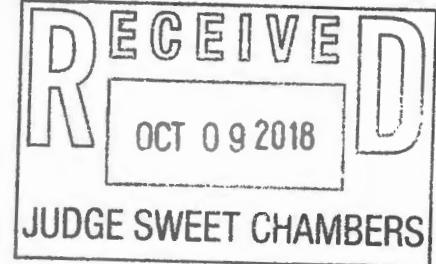
Counterclaim-Plaintiffs, )  
)

-v-

FERRING B.V., FERRING INTERNATIONAL )  
CENTER S.A., and FERRING )  
PHARMACEUTICALS INC., )  
)

Counterclaim-Defendants. )  
)

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**[PROPOSED] STIPULATION AND ORDER TO EXTEND TIME**

Pursuant to the Local Rules and Local Patent Rules for the United States District Courts  
for the Southern and Eastern Districts of New York and the Federal Rules of Civil Procedure,  
Plaintiffs Ferring Pharmaceuticals Inc., Ferring B.V., and Ferring International Center S.A.  
(collectively, "Ferring") and Defendant/Counterclaim-Plaintiff Serenity Pharmaceuticals, LLC

(“Serenity”), Defendant/Counterclaim-Plaintiff Reprise Biopharmaceutics, LLC (“Reprise”) (collectively, with Serenity, “Defendants”), and Counterclaim-Plaintiff Avadel Specialty Pharmaceuticals, LLC (collectively, “Counterclaimants”) (together, “the parties”) have met and conferred and respectfully submit this Stipulation and Order for the Court’s consideration.

WHEREAS, the current close of fact discovery in this case is scheduled for October 15, 2018 (D.I. 125 ¶ 8.d); and

WHEREAS, the current expert discovery schedule in this case calls for opening reports to be served on or before October 24, 2018; responsive reports to be served on or before November 9, 2018; and expert discovery to be completed on or before November 30, 2018;

WHEREAS, the parties have met and conferred regarding the scheduling of depositions in this case and agree that, given counsel and witness availability, cannot complete all depositions prior to the close of fact discovery on October 15, 2018; and

WHEREAS, any change to the close of fact discovery will necessarily affect the timing of expert report submissions

IT IS THEREFORE STIPULATED AND AGREED, by and between counsel for the parties, and subject to the approval of the Court, that:

1. The time to complete currently noticed fact witness depositions in this case shall be extended from October 15, 2018 through and including **October 22, 2018**;
2. The date for opening expert reports for the patent-related claims on which a party bears the burden of proof shall be extended from October 24, 2018 through and including **October 30, 2018**;

3. The date for responsive expert reports for the patent-related claims on which a party bears the burden of proof shall be extended from November 9, 2018 through and including **November 15, 2018**;

4. The date for the close of expert discovery for the patent-related claims shall be extended from November 30, 2018 through and including **December 7, 2018**; and

5. The schedule for expert discovery will remain unchanged for the trademark-related claims.

Dated: October 9, 2018

GIBBONS P.C.

  
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Respectfully submitted,

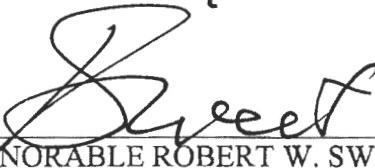
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*Attorneys for Defendants/Counterclaimants*

IT IS SO ORDERED this 10<sup>th</sup> day of October, 2018.

  
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THE HONORABLE ROBERT W. SWEET